

## LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

### Planning/Zoning, Land Design & Development Meeting

Tuesday, August 14, 2007

2:05 P.M.

Third Floor, City Hall

**Present:**

**Chair:** CM Owen  
**Vice Chair:** CM Stuckel  
**Members:** CM Heiner, CM Flood, CM Hamilton, and CM King

**Absent:**

CM Raque Adams (excused)

**Also Present:**

CM Peden

**Special Items for Discussion:** NONE

Chairman Owen announced the members and non-members of the committee that were present. A quorum was established.

### AGENDA

[O-193-08-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO OR-3 OFFICE RESIDENTIAL ON PROPERTY LOCATED AT 1442 AND 1444 GARDINER LANE, CONTAINING 0.86 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8588\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Jim King and seconded by Cheri Hamilton.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on July 19, 2007. No one spoke in opposition and one spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM King's District. The proposed use is for Office. A power point presentation was given. The following were items of discussion and concern:

- The request is in conformance with Cornerstone 2020 Suburban Workplace allows for offices
- Mature vegetation and the proposed privacy fence at the parking area provides adequate buffering
- Limited permitted uses
- Will have a residential appearance

CM King stated he is comfortable with the use of the property as OR-3.

The Ordinance was sent to **Old Business**.

**VOTING RESULTS:** For: 5; Against: 0; Abstain: 1; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Madonna Flood

Against: (None)

Abstain: Glen Stuckel

Absent: Julie Raque Adams

[O-164-07-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO R5-A MULTI FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 4800-R AND 4806 MANSLICK ROAD, CONTAINING 6.24 ACRES, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 9-08-07\).](#)

**Status:** In Committee - Tabled

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Untable was made by Jim King and seconded by Glen Stuckel.

**Discussion:** Theresa Senninger, Assistant County Attorney, met with the Applicant, Applicant's Representative, also several community members, neighboring property owners, and community leaders in the area of this development site to discuss the proposed additional and modified binding elements. Ms. Senninger gave the Committee Members a memorandum summarizing the discussion from the meeting. ([attached](#)) The following was discussed:

- Improvements to Manslick Road
- Exterior of the buildings to be brick
- Removal of stub road
- Setbacks, buffering, screening, and landscaping
- Proposed Binding Elements

Per Theresa Senninger, CM Butler is in agreement with the proposed Binding Elements

Motion to Amend the Ordinance as follows was made by Hal Heiner and seconded by Cheri Bryant Hamilton:

- ~~12. THE MATERIALS AND DESIGN OF THE PROPOSED STRUCTURES SHALL BE SUBSTANTIALLY THE SAME AS DEPICTED IN THE RENDERING AS PRESENTED AT THE JUNE 7, 2007 PLANNING COMMISSION MEETING. WITH THE EXCEPTION OF VINYL ACCENTS, SOFFITS AND TRIM, BUILDINGS SHALL FEATURE 100% BRICK EXTERIORS AS SHOWN IN THE RENDERINGS PRESENTED AT THE JUNE 5, 2007 PLANNING COMMISSION PUBLIC HEARING.~~
- 18. IMPROVEMENTS TO MANSLICK ROAD AS REQUIRED BY THE KENTUCKY TRANSPORTATION CABINET AND METRO PUBLIC WORKS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE THIRD BUILDING PERMIT FOR CONSTRUCTION OF A RESIDENTIAL UNIT.
- 19. THE APPLICANT SHALL SUBMIT A REVISED PLAN WITHIN 60 DAYS OF FINAL LEGISLATIVE APPROVAL SHOWING THE REMOVAL OF PRIVATE ROAD C.
- 20. THE BUILDING CLOSEST TO THE PROPERTY LOCATED AT 1402 DELLWOOD DRIVE SHALL BE MOVED THREE FEET AWAY FROM THE DELLWOOD DRIVE PROPERTY LINE TO RESULT IN AN APPROXIMATELY 18-FOOT SETBACK. THE APPLICANT SHALL INSTALL A CONTINUOUS EVERGREEN SCREEN ALONG THE DELLWOOD DRIVE PROPERTY LINE TO PROVIDE A BUFFER BETWEEN EXISTING RESIDENTIAL PROPERTY AND THE DEVELOPMENT SITE. THE APPLICANT SHALL WORK WITH THE OWNER OF 1402 DELLWOOD DRIVE TO DEVELOP A SUPPLEMENTAL LANDSCAPING PLAN TO INSTALL ADDITIONAL LANDSCAPE MATERIALS ON THE 1402 DELLWOOD DRIVE SIDE OF THE EVERGREEN SCREEN. THIS SUPPLEMENTAL LANDSCAPING PLAN SHALL BE FINALIZED AND APPROVED BY THE STAFF LANDSCAPE ARCHITECT WITHIN 60 DAYS AFTER THE FINAL APPROVAL BY THE LEGISLATIVE BODY. TO THE EXTENT THE SUPPLEMENTAL LANDSCAPE MATERIALS ARE LOCATED ON THE PROPERTY AT 1402 DELLWOOD DRIVE, THE OWNER OF THAT PROPERTY SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPING.
- 21. THE APPLICANT WILL WORK WITH THE STAFF LANDSCAPE ARCHITECT TO DEVELOP A LANDSCAPING PLAN TO SCREEN THE UNITS ALONG MANSLICK ROAD FROM THE ROADWAY. THIS CAN BE ACHIEVED THROUGH CLUSTERING OF PLANTINGS, A CONTINUOUS SCREEN WHERE APPROPRIATE, OR OTHER SIMILAR MEASURES.

Further discussion included the following:

- Detention Basin
- Mosquito abatement

The amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood  
Against: (None)

Abstain: (None)  
Absent: Julie Raque Adams

The Ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: Julie Raque Adams

[O-186-07-07 AN ORDINANCE CHANGING THE ZONING FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 1401 CARDINAL DRIVE, CONTAINING 0.3 ACRES, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 9-60-06VW\).](#)

**Status:** In Committee - Held

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Jim King

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission held two hearings on this case. The first was held on June 7, 2007. Three spoke in opposition. The second was held on July 5, 2007. Two spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM King's District. The proposed use is for Office-showroom/warehouse. A power point presentation was given. The following were items of discussion and concern:

- Auto Service Shop
- 2 access points
- No through connections
- Fee in lieu of sidewalks
- Two Public Hearings
- Compatibility
- Residential character of Cardinal Drive
- Buffering and Landscaping
- Impact on the neighborhood
- Hours of Operation
- Restrictions of usage
- 3' wall that would match the building to be constructed
- Elevation of building

CM King spoke regarding the encroachment of commercial property down Cardinal Drive and he stated this is a good use for this property.

Further discussion included the following:

- Restriction of uses
- Preference that building will have a Belmar Drive Address

Motion to Amend as follows was made by Jim King and seconded by Cheri Hamilton.

- 13. THE FOLLOWING C-2 USES SHALL NOT BE PERMITTED ON THE DEVELOPMENT SITE:
  - ABC-LICENSED ESTABLISHMENTS
  - BILLIARD PARLORS, GAME ROOMS AND SIMILAR ENTERTAINMENT USES
  - BINGO HALLS AND PARLORS
  - DANCE HALLS
  - FLEA MARKET
  - FRATERNITIES, SORORITIES, CLUBS AND LODGES EXCLUDING THOSE WHERE THE CHIEF ACTIVITY OF WHICH IS A SERVICE CUSTOMARILY CARRIED ON AS A BUSINESS

INDOOR PAINTBALL RANGES  
PLASMA, BLOOD COLLECTION CENTERS, FOR PROFIT  
RESTAURANTS, WHERE FOOD AND DRINK MAY BE SERVED OR CONSUMED, WHERE  
DANCING OR ENTERTAINMENT IS ALLOWED, OUTSIDE AS WELL AS INSIDE A BUILDING, INCLUDING  
DRIVE-IN RESTAURANTS WHERE ALL OR PART OF THE SERVICE OR CONSUMPTION IS INSIDE A  
VEHICLE

RETAIL OR WHOLESALE STORES OR BUSINESSES NOT INVOLVING ANY KIND OF  
MANUFACTURE, PROCESSING OR TREATMENT OF PRODUCTS OTHER THAN THAT WHICH IS  
CLEARLY INCIDENTAL TO THE BUSINESS CONDUCTED ON THE PREMISES, AND PROVIDED THAT NOT  
MORE THAN 50% OF THE FLOOR AREA OF THE BUILDING IS USED IN THE MANUFACTURE,  
PROCESSING, OR TREATMENT OF PRODUCTS, AND THAT SUCH OPERATIONS OR PRODUCTS ARE  
NOT OBJECTIONABLE DUE TO NOISE, ODOR, DUST, SMOKE, VIBRATION OR OTHER SIMILAR CAUSES

SKATING RINKS (ICE OR ROLLER)

TATTOO, BODY ART, AND PIERCING PARLORS

THEATERS, ENCLOSED WITHIN A BUILDING

TOURIST HOMES

USED CAR SALES AREAS, PROVIDED THAT NO REPAIR OR RECONDITIONING OF  
AUTOMOBILES OR STORAGE OF PARTS SHALL BE PERMITTED EXCEPT WHEN ENCLOSED IN A  
BUILDING

- 14. THE NEW DEVELOPMENT SHALL BE GIVEN A BELMAR DRIVE ADDRESS UNLESS IT  
CONTRAVENES METRO GOVERNMENT POLICIES ON ADDRESSING.

The amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: Julie Raque Adams

The Ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: Julie Raque Adams

[O-192-08-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO](#)  
[R-5 SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 6400 AND 6402 COOPER CHAPEL](#)  
[ROAD, CONTAINING 6.02 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8454\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Cheri Bryant Hamilton.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on June 21, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Peden's District. The proposed use is for Single Family Residential. A power point presentation was given. The following were items of discussion and concern:

- Access
- Tree canopy
- Applicant to dedicate right of way along Cooper Chapel Rd
- Fee in lieu of sidewalks along Cooper Chapel Rd

- Sidewalks constructed on internal streets
- Percent of brick to be used
- Applicant to provide off-site drainage improvements
- Access for Construction vehicles
- Drainage

CM Peden stated his concerns regarding construction traffic.

Motion to Amend the Ordinance as follows was made by Glen Stuckel and seconded by Madonna Flood.

- 16. ALL CONSTRUCTION TRAFFIC SHALL ENTER THE SITE FROM COOPER CHAPEL ROAD BY WAY OF A TEMPORARY CONSTRUCTION ENTRANCE EASEMENT AS SHOWN ON THE DEVELOPMENT PLAN THROUGH 6400 COOPER CHAPEL ROAD UNTIL 80% OF THE HOUSES ARE COMPLETE. ACCESS TO FORSYTHIA FROM THE DEVELOPMENT SITE SHALL BE BLOCKED WITH AN IMMOVABLE STRUCTURE UNTIL A BUILDING PERMIT IS ISSUED FOR THE FIRST HOME WITHIN THE DEVELOPMENT.

Bill Bardenwerper, Attorney for the Applicant, spoke regarding his concerns regarding potential home buyers getting to the area

Cheri Hamilton left at 3:23 p.m.

Since this is in CM Peden's District and he has the right to vote.

The amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 2

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel, Madonna Flood, James Peden

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams, Cheri Bryant Hamilton

Jim King left at 3:25 p.m.

This item as amended was sent to **Old Business**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 3

For: Hal Heiner, Tom Owen, Glen Stuckel, Madonna Flood, James Peden

Against: (None)

Abstain: (None)

Absent: Julie Raque Adams, Cheri Bryant Hamilton, Jim King

[O-195-08-07 AN ORDINANCE CHANGING THE ZONING FROM OTF OFFICE TOURIST FACILITY TO C-1 COMMERCIAL AND C-2 COMMERCIAL, CONTAINING 2.008 ACRES AND 2.913 ACRES RESPECTIVELY, ON A PORTION OF PROPERTY KNOWN AS TAX BLOCK 3660, LOT 0009 AND BEING IN LOUISVILLE METRO, AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN WORKPLACE FOR A PORTION OF THE PROPERTY LOCATED AT 13800 OLD HENRY TRAIL ROAD, AS SET FORTH IN THE ATTACHED LEGAL DESCRIPTION, AND BEING IN LOUISVILLE METRO \(CASE NOS. 8735 AND 9007\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Jim King returned to the meeting at 3:33 p.m.

Motion to Approve was made by Hal Heiner and seconded by Madonna Flood.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on July 19, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Heiner's District. The proposed use is for Retail, Bank, and Restaurants with outdoor seating. A power point presentation was given. The following were items of discussion and concern:

- Neighborhood to Suburban Workplace
- Bush Farm Road extension
- Construct restaurants, bank and retail building
- Access
- Compatible with surrounding areas
- The owner of the property is to maintain the right-of-way property
- Green space

CM Heiner spoke regarding the proposal of two additional binding elements. One relating to use limitations and the other relating to landscape irrigation.

Motion to Amend the Ordinance as follows was made by Hal Heiner and seconded by Jim King.

- **SECTION I:** THAT THE PROPERTY LOCATED ON A PORTION OF PROPERTY KNOWN AS TAX BLOCK 3660, LOT 9, CONTAINING 2.008 ACRES AND BEING IN LOUISVILLE METRO, MORE PARTICULARLY DESCRIBED IN THE MINUTES AND RECORDS OF THE PLANNING COMMISSION IN CASE No. 8735 AND 9007 IS HEREBY CHANGED FROM OTF OFFICE TOURIST FACILITY TO C-1 COMMERCIAL, PROVIDED, HOWEVER, SAID PROPERTY SHALL BE SUBJECT TO THE BINDING ELEMENTS AS SET FORTH IN THE MINUTES OF THE PLANNING COMMISSION IN CASE No. 8735, AND THE FOLLOWING ADDITIONAL BINDING ELEMENTS:  
15. USES SHALL BE LIMITED TO RESTAURANTS WITHOUT DRIVE-THROUGH SERVICES AND BANKS WITH OR WITHOUT DRIVE-THROUGH SERVICE ON LOTS 9A, 9B AND 10A. MODIFICATION OF THIS BINDING ELEMENT WILL REQUIRE METRO COUNCIL APPROVAL.  
16. LANDSCAPE AREAS SOUTH OF THE EDGE OF OLD HENRY ROAD PAVEMENT SHOULD BE IRRIGATED WITH AN AUTOMATED IRRIGATION SYSTEM IN ALL AREAS VIEWABLE BY THE PUBLIC. STATE RIGHT-OF-WAY AREAS SHALL BE IRRIGATED PROVIDED THE STATE TRANSPORTATION CABINET WILL ENTER INTO A MAINTENANCE AGREEMENT WITH THE APPLICANT.
- **SECTION II:** THAT THE PROPERTY LOCATED ON A PORTION OF PROPERTY KNOWN AS TAX BLOCK 3660, LOT 9, CONTAINING 2.913 ACRES AND BEING IN LOUISVILLE METRO, MORE PARTICULARLY DESCRIBED IN THE MINUTES AND RECORDS OF THE PLANNING COMMISSION IN CASE No. 8735 AND 9007 IS HEREBY CHANGED FROM OTF OFFICE TOURIST FACILITY TO C-2 COMMERCIAL, PROVIDED, HOWEVER, SAID PROPERTY SHALL BE SUBJECT TO THE BINDING ELEMENTS AS SET FORTH IN THE MINUTES OF THE PLANNING COMMISSION IN CASE No. 8735, AND THE FOLLOWING ADDITIONAL BINDING ELEMENTS:  
15. USES SHALL BE LIMITED TO RESTAURANTS WITHOUT DRIVE-THROUGH SERVICES AND BANKS WITH OR WITHOUT DRIVE-THROUGH SERVICE ON LOTS 9A, 9B AND 10A. MODIFICATION OF THIS BINDING ELEMENT WILL REQUIRE METRO COUNCIL APPROVAL.  
16. LANDSCAPE AREAS SOUTH OF THE EDGE OF OLD HENRY ROAD PAVEMENT SHOULD BE IRRIGATED WITH AN AUTOMATED IRRIGATION SYSTEM IN ALL AREAS VIEWABLE BY THE PUBLIC. STATE RIGHT-OF-WAY AREAS SHALL BE IRRIGATED PROVIDED THE STATE TRANSPORTATION CABINET WILL ENTER INTO A MAINTENANCE AGREEMENT WITH THE APPLICANT.

Deborah Bilitski, Attorney for the Applicant, spoke stating the Applicant wants to keep the property well maintained and will agree to the Language in the proposed binding element.

The amendment passed

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 2

For: Jim King, Hal Heiner, Tom Owen, Madonna Flood , Glen Stuckel  
Against: (None)  
Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams

The Ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 1; Absent: 2

For: Jim King, Hal Heiner, Tom Owen, Madonna Flood

Against: (None)

Abstain: Glen Stuckel

Absent: Cheri Bryant Hamilton, Julie Raque Adams

CM King left at 3:52 p.m.

[O-191-08-07 AN ORDINANCE AMENDING CHAPTER 2, PART 8 OF THE LAND DEVELOPMENT CODE PERTAINING TO THE PLANNED DEVELOPMENT DISTRICT \(CASE NO. 8945\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

**Discussion:** This item was **Held** in Committee.

[O-194-08-07 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE EXECUTIVE SUMMARY OF THE HURSTBOURNE TRANSPORTATION STUDY AND SMALL AREA PLAN \(CASE NOS. 9196 AND 9197\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Julie Raque Adams

**Discussion:** This item was **Held** in Committee.

[O-86-04-07 \(S\) AN ORDINANCE AMENDING AND REENACTING CHAPTER 159 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO EROSION CONTROL](#)

**Status:** In Committee - Tabled

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:**

Kelly Downard

Rick Blackwell

**Discussion:** This item remained **Tabled**.

[O-150-06-07 \(S\) AN ORDINANCE RE-ENACTING AND AMENDING CHAPTER 162 OF THE LOUISVILLE METRO CODE OF ORDINANCES \(LMCO\) RELATING TO OVERLAY DISTRICTS.](#)

**Status:** In Committee - Held

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:**

Kelly Downard

Rick Blackwell

**Discussion:** This item remained **Held** in Committee.

PLANNING/ZONING COMMITTEE AGENDA – VIEW ONLY

Items that the Committee Members would like to discuss at the next meeting regarding Chapter 2 part 8

- Tract Size

- Protections being eliminated
- Density limitations

Motion to Adjourn was made by Hal Heiner and seconded by Glen Stuckel.

**\*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on August 23, 2007.**

**The meeting adjourned at 3:47 p.m. without objection.  
KQG**